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FILED
BOARD OF PHYSICAL THERAPY

NOV 25 2009

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
EXAMINERS

IN THE MATTER OF	:	
	:	Administrative Action
MICHAEL MARCHESE, P.T.	:	
License No. 40QA0047700	:	INTERIM CONSENT ORDER
	:	
LICENSED TO PRACTICE PHYSICAL	:	
THERAPY IN THE STATE OF	:	
NEW JERSEY	:	

THIS MATTER was opened to the New Jersey State Board of Physical Therapy Examiners (hereafter "Board") upon receipt of information that on or about October 14, 2009, Michael Marchese, P.T. (hereafter "Respondent") was found guilty of aggravated sexual assault, endangering the welfare of a child, aggravated criminal sexual contact and terroristic threats after a trial conducted in the Monmouth County Superior Court of New Jersey. Sentencing is

scheduled for December 19, 2009.

As a result of the foregoing, the Board has determined that the Respondent's acts giving rise to the finding of guilt provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(f).

Respondent represents that he is actively in the process of selling the physical therapy business referred to as Aberdeen Physical Therapy, P.A. located at 1323A Route 34, Aberdeen, New Jersey and anticipates a sale by November 30, 2009. In the event that he is unable to complete a sale of the business, respondent acknowledges that he will close the business and cease practicing physical therapy as of November 30, 2009 at this location or in any other location in New Jersey.

Respondent also agrees to have a mechanism in place so that his previous patients will have access to patient records which he is required to maintain and keep for seven years from the date of the last entry pursuant to N.J.A.C. 13:39A-3.1(d).

Respondent has agreed to practice physical therapy through November 30, 2009 under the conditions set forth in this Order and to voluntarily surrender his license to practice physical therapy as of November 30, 2009 in the State of New Jersey in accordance with the terms of this Order.

IT NOW APPEARING that the parties wish to resolve this

matter on an interim basis without recourse to formal proceedings and, accordingly, Respondent now seeks leave to voluntarily surrender his license to practice physical therapy in New Jersey as of November 30, 2009 in accordance with the terms of this Order; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 22nd day of November, 2009, ORDERED AND AGREED THAT:

1. Respondent, Michael Marchese, P.T., shall voluntarily surrender his license to be deemed a suspension and shall cease and desist the practice of physical therapy in the State of New Jersey as of November 30, 2009;

2. As of the date of this Order, respondent shall accept no new patients.

3. Respondent shall report to the Board in writing on or before December 1, 2009 of the mechanism he has made available to all previous patients for the release of patient records.

4. Should Respondent provide physical therapy services to any females patients 18 years old or younger through November 30, 2009 Respondent shall perform all physical therapy treatments in the presence of a chaperone who shall be an adult family member of the child. Respondent further agrees that the chaperone shall sign the

patient record to evidence that he or she was present during the treatment.

5. Respondent shall place an advertisement a minimum of three times in a newspaper covering the area of his office to inform the public that the practice has ceased operation as of November 30, 2009 and to direct any patients interested in seeking records as to the individual they should contact, and the location of and method of retrieving their patient records.

6. Respondent shall return his original New Jersey license and most recent biennial registration to the New Jersey State Board of Physical Therapy Examiners no later than December 1, 2009.

7. This Order is entered without admissions and without prejudice to the Board's ability to institute further proceedings and take further action based upon his conviction on the charges indicated above, or the facts underlying such conviction.

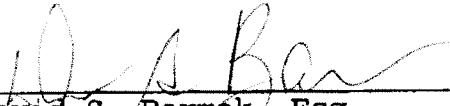
NEW JERSEY STATE BOARD OF PHYSICAL
THERAPY EXAMINERS

By: Karen Wilk, P.T., DPT 40QA60560100
Karen Wilk, P.T., DPT
Board President

I have read and I understand
this Consent Order and agree to be
bound by its terms. I further
hereby consent to the entry of
this Consent Order.

Michael J. Marchese
Michael Marchese, P.T.

Consent is hereby given
as to the form and entry
of this Order.



David S. Barmak, Esq.
Attorney for Respondent

Dated: 11/22/09